

### REMARKS

This responds to the Office Action mailed on May 4, 2005, and the references cited therewith.

Claims 1, 7, and 16 are amended; as a result, claims 1-20 are now pending in this application.

#### §102 Rejection of the Claims

Claims 1-2, 4, 6-9, 12, 14-18 and 20 were rejected under 35 U.S.C. § 102(e) for anticipation by Tumblin et al. (U.S. 6,490,679). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claims must be taught or suggest in the cited reference.

More specifically, the Examiner asserts that Tumblin recites Winsock to transfer data and that Winsock is a transport layer and one mentioned by Applicants in the original filed specification. Applicants do not dispute this assertion made by the Examiner, but Applicants continue to disagree with the interpretation of the claim language in view of the teachings of Tumblin.

In Tumblin, a client program 200 is linked to an application security interface (ASIM) module 280 using a security API, which is "recognized" by that client program. *Emphasis added.* E.g., Tumblin, col. 5, lines 14-17. Applicants have repeatedly asserted that a major distinction between the teachings of Tumblin and Applicants invention is the fact that the client programs 200 of Tumblin need to be enabled and need to have special interfaces to achieve the security connections and features provided in Tumblin. This teaching is the first teaching mentioned in the opening paragraph of the Tumblin reference and is replete throughout Tumblin. The figures even illustrate the integration of these additional interfaces that the client programs must be linked to and aware of. So, Tumblin cannot permit a legacy application to integrate with its security techniques unless that legacy application is modified to be aware of additional security interfaces and to specifically call those interfaces. This means legacy applications have to be updated or modified to achieve the benefits of Tumblin and this additional work to the

legacy applications means they are no longer legacy applications and that they are specifically interfaced and integrated to the interfaces of Tumblin.

Conversely, Applicants direct the Examiner's attention to the modified claim language that is now positively recited in amended independent claims 1, 7, and 16. There, it can be seen that the application of Applicants' invention is unaware of the security layer and correspondingly the security connection and security handshakes. The application interacts with what it believes to be a traditional protocol stack in its normal manner. The integration of security occurs within that protocol stack and does not occur with additional interfaces of the application. Thus, legacy applications can integrate with Applicants' invention without modification, since the secure communications are managed within the transport protocol stack and no modifications are needed to the applications' original and/or legacy interfaces.

As a further example of this complete lack of teaching in Tumblin, the Examiner's attention is directed to column 6, lines 20-24 where it is stated the "[c]lient program 200 attempts to initiate a new communication session by calling the appropriate procedure in the security services API 230 provided by the application security interface module (ASIM) 280 to which it is linked (step 500)." *Emphasis added.* Again, it is clear that in Tumblin the client program is modified to be aware of and, in fact, to affirmatively select specific functions/calls that initiate and start secure communications and secure sessions. This is not the case in Applicants' independent claims because the application is unaware of the security layer and the application calls no specific additional API to initiate a security handshake.

Thus, Applicants respectfully request that the rejections of the independent claims 1, 7, and 16 be withdrawn and the claims be allowed.

### §103 Rejection of the Claims

Claims 3 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of SSL-Talk List FAQ ("SSL-Talk List FAQ Secure Sockets Layer Discussion List FAQ v1.1.1"). Claim 3 is dependent from amended independent claim 1 and claim 10 is dependent from amended independent claim 7, thus, for the amendments and remarks presented above with respect to claims 1 and 7, the rejections of claims 3 and 10 should be withdrawn and Applicants respectfully request an indication of the same.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of Samar (U.S. 6,304,974). Claim 5 is dependent from amended independent claim 1, therefore, for the amendments and remarks presented above with respect to claim 1, the rejection of claim 5 should be withdrawn and Applicants respectfully request an indication of the same.

Claims 11 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of What's Enhanced in NewWare 5 ("Novell NetWare Connection Enhanced Network 5"). Claim 11 is dependent from amended independent claim 7 and claim 19 is dependent from amended independent claim 16, thus, for the amendments and remarks presented above with respect to claims 7 and 16, the rejections of claims 11 and 19 should be withdrawn and Applicants respectfully request an indication of the same.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of MS SSL-Advisor ("Microsoft Security Advisor SSL Specific WSAIoctl Controls"). Claim 13 is dependent from amendment independent claim 7, accordingly for the amendments and remarks presented above with respect to claim 13, the rejection of claim 13 should be withdrawn and Applicants respectfully request an indication of the same.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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8-4-05

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of August, 2005.

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Signature